

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

JOHN BARRAGAN)	
Claimant)	
VS.)	
)	Docket No. 233,731
HUTCHINSON SALT COMPANY, INC.)	
Respondent)	
AND)	
)	
AIGCS)	
Insurance Carrier)	

ORDER

Respondent appeals from the preliminary hearing Order entered by Administrative Law Judge Bruce E. Moore on August 17, 1998.

ISSUES

Respondent contends that claimant failed to prove that he suffered accidental injury arising out of and in the course of his employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board finds that the Order by the Administrative Law Judge should be affirmed. The Board so finds for the reasons stated in the Order by the ALJ. The ALJ has accepted claimant's versions of the events indicating he suffered a low back injury through a series of mini-traumas and two specific incidents. The ALJ had the opportunity to observe the testimony of the claimant. Other witnesses testified by deposition. The ALJ obviously found the claimant to be a credible witness and accepted his description of the events. The Appeals Board generally defers to the ALJ's assessment of credibility of witnesses who have testified before the ALJ. After reviewing the record, the Appeals Board concludes it is reasonable to do so in this case and, therefore, affirms the decision of the ALJ ordering medical treatment as specified in the preliminary hearing Order.

WHEREFORE, it is the finding, decision, and Order of the Appeals Board that the Order entered by Administrative Law Judge Bruce E. Moore on August 17, 1998, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this _____ day of October 1998.

BOARD MEMBER

c: Andrew L. Oswald, Hutchinson, KS
James M. McVay, Great Bend, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director